



WISCONSIN

DEPARTMENT OF WORKFORCE DEVELOPMENT
Division of Workforce Solutions
Bureau of Partner Services

TO: **Economic Support Supervisors
Economic Support Lead Workers
Training Staff
Child Care Coordinators
W-2 Agencies**

FROM: Amy Mendel-Clemens
CARES Call Center
Policy and Communications Section

SUBJECT: **W-2 AND CHILD CARE
OVERPAYMENT DISPUTE RESOLUTION**

CROSS REFERENCE: *W-2 Manual*, Chapter 19
Day Care Manual, Chapter 1, Section 10.5.0

EFFECTIVE DATE: Immediately.

PURPOSE

This memo provides clarification regarding the Wisconsin Works (W-2) and Child Care client overpayment dispute resolution process and a reminder to include the W-2 Overissuance Worksheet when issuing either W-2 cash assistance or Child Care client overpayment notifications.

BACKGROUND

Section 49.152 Wis. Stat. provides for a dispute resolution process for applicants or participants to request a review of a W-2 agency's action. The process consists of two levels of review. First, a Fact Finding is conducted by the W-2 agency. If the participant is not satisfied with the Fact Finding decision, the second step would be to request a Departmental Review, which is conducted by the Division of Hearings and Appeals (DHA) in the Department of Administration.

Previously, there has been some confusion over the appropriate appeal process when an individual (either in an open case or closed case) challenges a W-2 or Child Care client overpayment determination. The confusion lies in whether the individual appeals an overpayment determination through the W-2 dispute resolution process as described above, or through a review offered under Wis. Stat. 227.42, commonly referred to as a Chapter 227 hearing.

BPS OPERATIONS MEMO

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Non W-2 ☐ W-2 ☒ CC ☒

PRIORITY: High

POLICY CLARIFICATION

All W-2 and Child Care client overpayment determinations must be reviewed under the W-2 dispute resolution process, starting with a W-2 Fact Finding. This includes open or closed cases. If the individual disagrees with the Fact Finding decision, he or she may request a Departmental Review. (Reference Wis. Stat. 49.195)

CARES NOTICES

Appropriate overpayment notices must be generated for a participant each time a W-2 or Child Care client overpayment is identified. All *Wisconsin Works Overpayment Notification* (BVLG and BVLH) notices **must** be accompanied by a W-2 Overissuance Worksheet (BVLI). For W-2 cash assistance overpayments, the worksheet is generated by CARES. See instructions below for generating the Overpayment Worksheet. For Child Care, the worker must manually send out the Overpayment Worksheet. The Child Care Overpayment Worksheet (DES-11192) can be found in the DWS Forms Repository. This form must be filled out by the worker and sent to the client at the same time the Child Care client overpayment notice is generated.

Instructions for generating the W-2 Overissuance Worksheet for W-2 cash assistance overpayments:

1. Complete CARES screen BVRF (Benefit Recovery Referral). In addition to filling this screen out completely, enter a "Y" in the "**Complete W-2 Worksheet**" field. Press <enter>.
2. On CARES screen BVWW (W-2 Overissuance Worksheet), complete a W2 Overissuance Worksheet for **each** month of the overpayment period. The most recent month of the overpayment period will be displayed first. The other month's worksheets are accessible using the PF8 and PF7 keys. When the worksheet for each month is complete, press <PF24> to save the worksheets and go to screen BVCL.
3. CARES screen BVCL (Benefit Recovery Claim) will be complete except for the "**Overpayment Reason**" and "**Error Type**" fields. ***These fields must be completed.*** The "**Send Notice?**" field will default to "Y". Pressing <enter> on this screen will generate the W-2 Overpayment Notice and the W-2 Overissuance Worksheet and both will be sent together that evening.

Note: Once BVCL is complete, the worksheets cannot be modified; therefore, care must be taken in completing the worksheets and verifying that the "**Claim Amount**" on BVCL is correct before pressing <enter>.

CONTACT

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Note: Email contacts are preferred. Thank you.